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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,543	03/27/2006	Danut Bogdan	2003P13768	7334
24131	7590	06/05/2008		
LERNER GREENBERG STEMER LLP			EXAMINER	
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			ART UNIT	PAPER NUMBER
			2826	
			MAIL DATE	DELIVERY MODE
			06/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,543

Applicant(s)

BOGDAN ET AL.

Examiner

Leslie P. Cruz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

The amendment filed on 06 March 2008 in response to the Office Action mailed on 28 January 2008 has been entered. The present Office Action is made with all the suggested amendments being fully considered. Accordingly, pending in this Office Action are claims 16-18.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Cambou et al. (WO 02/075815 A1, see US 2004/0080658 A1 for English translation).

With respect to claim 16, Cambou et al. (Figs. 3a, 3b, 5) discloses an optical module [40], comprising: a circuit carrier [100]; a semiconductor element [42] disposed in a housing [48, 50, 62, 64, 66, 68] disposed on the circuit carrier, the housing of the semiconductor element, at least in sections thereof, having a support [48, 50] formed thereon; and a lens unit [52, 108] configured for projecting electromagnetic radiation onto the semiconductor element, the lens unit including a base lens [52]; wherein the semiconductor element and the lens unit are formed in two parts and the base lens is supported on and in direct contact with the support formed on the housing of the semiconductor element; and wherein the lens unit includes a lens holder [108] and the

lens holder is supported by the circuit carrier substantially without being supported by the housing.

With respect to claim 17, Cambou et al. discloses the optical module according to claim 16. Cambou et al. (Figs. 3a, 3b, 5) further discloses the lens holder includes a surface section [surface of 108 contacting the support 48, 50] formed to correspond to the support, at least in sections thereof, and wherein the surface section is positioned on the support formed on the housing of the semiconductor element.

With respect to claim 18, Cambou et al. discloses the optical module according to claim 16. Cambou et al. further (Figs. 3a, 3b, 5) discloses the lens holder has a collar [surface of 108 contacting the support 48, 50], at least in sections thereof, formed to correspond substantially to a locating face [upper portion of support 48, 50 that contacts the collar 108] formed on the support.

Response to Arguments

Applicant's arguments, see pages 2-4, filed 06 March 2008, with respect to the rejection(s) of claim(s) 16 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cambou et al.

Applicants argued that the optics unit 46 of Cambou et al. does not house the electronic chip forming the image sensor. However, in light of the specification, the Examiner has interpreted the feet 62, 64, 66, 68 and walls 48, 50 of the optics unit 46, shown in Figs. 3a, 3b, and 5 of Cambou et al., as the housing of the image sensor 42

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because they still meet the definition of housing i.e. something that covers, protects or supports. Therefore, Applicant's claims 16-18 do not distinguish over Cambou et al.

Telephone/Fax Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie P. Cruz whose telephone number is 571-272-8599. The examiner can normally be reached on Monday-Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Sue A. Purvis can be reached on 571-272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leslie Pilar Cruz
Examiner
Art Unit 2826

/Minh-Loan T. Tran/
Primary Examiner
Art Unit 2826